

RULE 32 (~~Current Version~~ PROPOSED REVISIONS)

DISCLOSURE OF PRESENTENCE REPORTS

(a) Initial Disclosure of Presentence Reports

Unless otherwise ordered by the Court, the Probation Officer shall, not more than 6 weeks after the verdict or finding of guilt, disclose the presentence investigation report, including the worksheets utilized to calculate sentencing guideline ranges, to the defendant and to counsel for the defendant and the government. Within 14 days thereafter, counsel shall communicate in writing to the Probation Officer and to opposing counsel any objections they may have as to any of the following items contained in or omitted from the report:

- (i) factual inaccuracies;
- (ii) other material information;
- (iii) guideline calculations and sentencing ranges;
- (iv) sentencing classifications;
- (v) sentencing options; and
- (vi) bases for departure.

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(c) Submission of Revised Presentence Report

No later than ~~fourteen~~ 14 (14) days after the deadline for counsel's objections, the Probation Officer shall submit the revised presentence report to the sentencing judge and disclose the revised presentence report to the defendant and counsel for the defendant and the government. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the Probation Officer's comments thereon, and shall have attached thereto any written objections submitted to the Probation Officer pursuant to Local Rule 32(b). The Probation Officer shall certify that the contents of the report, including any revisions to the report, have been disclosed to the defendant and to counsel for the defendant and the government, that the content of the addendum and the Probation Officer's comments on unresolved issues have been communicated to counsel, and that the addendum fairly states any remaining objections.

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(e) Scheduling Order

~~The Court shall, with the assistance of the Probation Officer and counsel, establish~~In accordance with Fed. R. Crim. P. 32(b)(2), the Court shall issue a scheduling order governing the dates for the initial~~that sets the following deadlines for the sentencing process, with all dates calculated from the date of guilty plea or guilty verdict:~~

Initial disclosure of the presentence report,~~objections by counsel, disclosure of the revised report;~~ Day 42

Objections to the presentence report: Day 56

Disclosure of revised presentence report: Day 66

Simultaneous sentencing memoranda: Day 73

Responsive sentencing memoranda~~and responses to sentencing memoranda. In accordance with Fed.R.Crim.P. 32(b)(6), initial disclosure;~~ Day 78

Sentencing: Day 84

The Court may postpone issuance of a sentencing scheduling order under this Rule for good cause. In cases in which the parties have agreed that an extended schedule is necessary, and the Court has agreed to postpone issuance of a sentencing scheduling order accordingly, the deadlines set forth above shall be calculated from the date the Court orders the preparation of the presentence report must occur not less than 35 days before the sentencing hearing unless the defendant waives this minimum period.-

(f) Modification of Time Limits

The times set forth in this Rule may be modified by the Court ~~by scheduling order as provided in Local Rule 32(e) or~~ for good cause shown, except that the 6 week period set forth in subsection (a) may be enlarged only with the consent of the defendant. ~~In cases in which the defendant has agreed to cooperate with the government, and counsel for the government or the defendant wish to toll the timetable provided in Local Rule 32(a), counsel may submit a request under seal for a confidential sentencing conference pursuant to Local Rule 32(o). At any such sentencing conference, counsel may request the Court to~~If a party proposes that sentencing be continued beyond 84 days for any reason, that proposal shall be accompanied by a proposed scheduling order establishing dates for initial disclosure of the presentence report, objections by counsel, disclosure of the revised report, sentencing memoranda and responsive sentencing memoranda. In any case in which the Court does not issue an order for preparation of a presentence report at the time of the guilty verdict or guilty plea, the Court may establish a report date at which ~~point~~time counsel must report back to the Court as to the status of the case. At the report date, the Court can consider whether to set a sentencing date and enter a scheduling order pursuant to Local Rule 32(e) or set another report date.

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SENTENCING PROCEDURES

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(o) Sentencing Memoranda

Counsel for the defense and the government may submit sentencing memoranda to the Court addressing (i) any factual inaccuracy in the presentence report; (ii) the guidelines calculations; (iii) the available sentencing options, including alternatives to incarceration; (iv) any restitution issues; (v) any bases for departure; and (vi) any other factual or legal issue relevant to sentencing. Any sentencing memorandum shall be filed ~~no later than fourteen (14) days prior to the sentencing date, and any response to an opposing party's sentencing memorandum shall be filed no later than seven (7) days prior to the sentencing date,~~according to the schedule as set forth in Local Rule 32(e) unless the Court has provided other deadlines for these memoranda by scheduling order. ~~The times set forth in this Rule may be modified by the Court for good cause shown.~~